

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOMINICK MARTINEZ, et al.,

Plaintiffs,

-against-

HEARTSHARE HUMAN SERVICES OF
NEW YORK, et al.,

Defendants.

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ORDER

16-CV-2475 (LDH)(PK)

Peggy Kuo, United States Magistrate Judge:

Plaintiffs Dominick Martinez and Crystal Brown request leave to proceed *in forma pauperis* in this action, pursuant to 28 U.S.C. § 1915. (Dkt. 3; Dkt. 4.) Plaintiffs' request is denied.

The federal *in forma pauperis* statute provides that “any court in the United States *may* authorize the commencement, prosecution or defense of any suit . . . without prepayment of fees or security thereof, by a person who submits an affidavit that . . . the person is unable to pay such fees or give security thereof.” 28 U.S.C. § 1915 (emphasis added). However, when counsel commences a civil action on a plaintiff's or plaintiffs' behalf, that counsel generally assumes the costs of the litigation. Plaintiffs have counsel in this action and, moreover, some of their claims arise under statutes with fee-shifting provisions. If the action is resolved in Plaintiffs' favor, counsel will recover the costs.

SO ORDERED:

Peggy Kuo

PEGGY KUO

United States Magistrate Judge

Dated: Brooklyn, New York
July 8, 2016